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May 5, 2011

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex parte meeting on CG No. 10-213, WT No. 96-198, CG No. 10-145

On May 4, 2011, Paula Boyd and Ann Marie Rohaly with Microsoft Corp. and the undersigned met with Amy Levine, Special Counsel to Chairman Genachowski, to discuss various issues raised by the Commission's Notice of Proposed Rulemaking implementing the Twenty-First Century Communications and Video Accessibility Act of 2010.

Consistent with Microsoft's filed comments, the parties discussed the term "interoperable video communications services." We noted that those services are not interoperable today and are not likely to become interoperable in the near future, and interoperability is a prerequisite for the Commission imposing rules on video communications services. We also noted that the "primarily designed" concept in the waiver process enables the Commission to exclude, either on a temporary or permanent basis, devices for which non-interconnected VoIP is incidental to the main purpose for which the device was designed and marketed. We emphasized that manufacturers should be the determinant of what a product is primarily designed for and highlighted the importance of the Commission in its initial order, waiving the rules for various devices that meet the "primarily designed" test.

Also consistent with our filed comments, we suggested a minimum of a two year phase-in period for the rules and a grandfather provision for any equipment manufactured and put into the stream of commerce prior to the effective date. We noted that it is important for the Commission to consider the waiver process in setting the effective date of the rules, since the Commission should be in a position of ruling on the initial waiver petitions long before the rules go into effect.

Finally, we discussed the statutory provisions concerning Telecom Relay Service (TRS) contributions by non-interconnected VoIP providers. In that context, we noted that many of these services are not based on a subscription model, and the Commission should be mindful that its rules not force providers to alter their business models, encourage them to modify or eliminate non-interconnected VoIP features, or pay where little or no revenue is collected for the service. This is particularly important since non-interconnected VoIP providers are not funded by TRS, and their users will receive no benefit from the fund and cannot utilize the very capabilities providers are being asked to

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Ms. Marlene Dortch
May 5, 2011
Page 2 of 2

support. We also noted that in some instances, the expense and effort needed to implement a TRS collection system for non-interconnected VoIP providers may very well exceed the amount of revenue that such a system would generate, and that would not be in the public interest.

Please direct any questions to the undersigned.

Sincerely,



Gerard J. Waldron
Counsel to Microsoft Corp.

cc: Ms. Amy Levine
Ms. Sherrese Smith