BINGHAM

Tamar E. Finn
Direct Phone: 202.373.6117
Direct Fax: 202.373.6001
tamar.finn@bingham.com

June 13, 2011

VIA ELECTRONIC FILING

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

Re: ***Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *High Cost Universal Service Support*, WC Docket No. 05-337; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51**

Notice of Ex Parte Communication

Dear Ms. Dortch:

On June 9, 2011, William A. Haas, Corporate Vice President of Public Policy and Regulatory, and Tami Spocogee, Director of Carrier Access & Financial Support, of PAETEC Holding Corp., along with the undersigned met with Randy Clarke, Rohit Dixit, Travis Litman and Raffi Melanson of the Wireline Competition Bureau and Kevin King of the Office of Strategic Planning and Policy Analysis.

PAETEC emphasized that in order to identify the financially responsible provider, the terminating carrier needs the Carrier Identification Code ("CIC") or Operating Company Number ("OCN") of the provider delivering the call to the terminating tandem in addition to the originating Calling Party Number ("CPN") and Charge Number ("CN"). Such CIC/OCN information is needed regardless of whether rates vary by jurisdiction or are unified. PAETEC also clarified that it should not matter whether such identifying information is passed through signaling or call records so long as all the necessary information (originating CPN/CN and CIC or OCN) is in the call record.

To the extent that technical limitations exist and a CIC cannot be passed through signaling, the tandem provider should be required to identify in call records the provider that delivered the call to the tandem. While tandem providers should be able to provide such information (because they have a direct trunk group with the provider handing off the call), tandem providers do not currently provide CIC/OCN information for all types of calls. Ms. Spocogee reviewed the PAETEC EMI Meetpoint record matrix to explain when the RBOCs do and do not provide CIC and/or OCN information in call records. The participants discussed the fact that some providers delivering calls to the tandem do not have either a CIC or OCN. The Commission should consider asking NECA to create

Boston
Hartford
Hong Kong
London
Los Angeles
New York
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

a new OCN code, similar to the IPES code,[1] and requiring providers that deliver calls to a tandem to apply for an OCN.

The participants discussed the basis of the Commission's authority to require tandem providers to provide CIC/OCN information to terminating carriers. PAETEC reiterated its argument that incumbent LECs have a duty to provide transit service under section 251(c)(2).[2] PAETEC argued that the Commission could require the provision of CIC/OCN information as necessary to implement the section 251(b)(5) duty to enter into intercarrier compensation arrangements for the exchange of all telecommunications. As PAETEC explained in its comments, the Commission also could rely on section 222(b) to require that tandem providers share the information necessary for a terminating carrier to provide a telecommunications service, whether terminating access or reciprocal compensation.[3] The participants also discussed the diagram attached to Ms. Spocogee's declaration relating to termination of phantom traffic.[4]

Finally, PAETEC noted that the AT&T model referenced in USTelecom's June 7, 2011 *ex parte* does not include any competitive provider data. The participants discussed the fact that it is important for the Commission to analyze competitive provider data, such as the data filed by PAETEC, to evaluate the impact of various intercarrier compensation reform proposals on providers of competitive broadband services. Form 499 information shows that the top five ILECs had $3.7 billion in switched access revenues in 2009; other ILECs $2.5 billion; and CLECs $1 billion.[5] PAETEC explained that intercarrier compensation makes up 7% of PAETEC's revenue and provided a chart showing the impact of various rate reduction proposals on its average monthly access revenue.

The attached handouts were distributed at the meeting.

[1] *See Administration of the North American Numbering Plan*, CC Docket No. 99-200, Order, 20 FCC Rcd 2957 (2005), para. 1 (requesting that the North American Numbering Council "review whether and how our numbering rules should be modified to allow IP-enabled service providers access to numbering resources in a manner consistent with our numbering optimization policies."). *See also*, NECA North American Company Code Assignment Procedures, at 2-3 ("Over the years the assignment of Company Codes has evolved to include, but is not limited to…IP-enabled service Providers (IPES)"), at https://www.neca.org/cms400min/NECA_Templates/PublicInterior.aspx?id=1947 .

[2] *See* PAETEC et al. Reply Comments, at 13-16 (May 23, 2011).

[3] See PAETEC et al. Comments, at 11-12 (April 1, 2011).

[4] *Id*, at Exhibit A.

[5] Wireline Competition Bureau, Industry Analysis and Technology Division, *Telecommunications Industry Revenues: 2009*, at 15-16 (rel. May 2011).

Concurrent with this submission, under separate cover, PAETEC, by its counsel and pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, respectfully requests confidential treatment of certain information provided in its Ex Parte because this information is competitively sensitive and its disclosure would have a negative competitive impact on PAETEC were it made publicly available.

Sincerely yours,

/s/ *electronically signed*

Tamar E. Finn

Enclosures

cc (by e-mail):

Randy Clarke
Rohit Dixit
Kevin King
Travis Litman
Raffi Melanson