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October 20, 2011

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, CC Docket No. 96-45;
CC Docket No. 01-92; WC Docket No. 05-337; WC Docket
No. 07-135; WC Docket No. 03-109; WC Docket No. 10-90;
GN Docket No. 09-51

Dear Ms. Dortch:

This will report on a communication that occurred today, in which Mr. James Courter, Vice Chairman of IDT Telecom (“IDT”), and Mr. John Windhausen, President of telepoly.com, left a voicemail on behalf of IDT for Zachary (“Zac”) Katz, Chief Counsel and Senior Legal Advisor to Chairman Julius Genachowski.

Mr. Courter and Mr. Windhausen stated that IDT and other prepaid calling card providers have filed a number of ex partes regarding the question of whether originating access charges are due on locally dialed prepaid card calls, in which the caller dials a local number served by a CLEC, which then passes the call on to IDT or another prepaid calling card provider. The issue has been before the FCC since a 2006 Petition for Clarification filed by Arizona Dialtone. The FCC included this issue in footnote 1101 of the February 9, 2011 NPRM in these dockets, but IDT understands that this issue is not addressed in the draft Order.

Mr. Courter and Mr. Windhausen stated that the issue is important because there are tens of millions of dollars at stake, and AT&T is attempting, in the absence of FCC action, to get a district court in Texas to resolve the issue in three separate one-on-one litigations with IDT and two other prepaid card carriers. Mr. Courter and Mr. Windhausen argued that the FCC should not allow this important intercarrier compensation issue to go unaddressed; the FCC, not the courts, should determine intercarrier compensation policy and the USF/ICC Reform Order is the best means for the FCC to assert its jurisdiction to do so.

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Mr. Courter and Mr. Windhausen also pointed out that in addition to numerous previous requests by prepaid card providers that the Commission address this issue, ex parte letters were filed yesterday by the Hispanic Leadership Fund, National Priorities Consumer Action and Congressmen Markey and Engel, urging that the FCC resolve this issue in this proceeding. Copies of those letters are attached hereto.

Mr. Courter and Mr. Windhausen stated that IDT has demonstrated in its prior ex partes the reasons why access charges do not apply, and would not cover that ground again, but noted that on October 13, another prepaid card provider, STi Prepaid, had filed an ex parte that pointed out that after 3 years of discussions between AT&T and STi Prepaid on this issue, AT&T has never offered a practical, workable way of measuring the locally dialed prepaid card traffic that would be subject to access charges, assuming they apply.

Finally, Mr. Courter and Mr. Windhausen asked on behalf of IDT that the FCC address this issue in the Order to be voted on at the October 27, 2011 meeting, determining that access charges are not owed on such calls. IDT asked that in the alternative, the Commission state in the Order that it will address the issue and will develop a new rule addressing locally dialed prepaid calling card calls that will apply industry-wide going forward.

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

Sincerely yours,

/s/ electronically signed

Eric J. Branfman

cc (by e-mail):

Zachary Katz
Angela Kronenberg
Christine Kurth
Margaret McCarthy
Sharon Gillette
Carol Matthey

Attachments