



October 21, 2011

(Filed electronically)

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: **Ex Parte Notice**  
CC Docket No. 96-45  
CC Docket No. 01-92  
WC Docket 04-36  
WC Docket No. 05-337  
WC Docket No. 06-122  
WC Docket No. 10-90  
GN Docket No. 09-51  
WC Docket No. 07-135

Dear Ms. Dortch:

On October 20, 2011, members of the Voice on the Net Coalition (VON) represented by Staci Pies of Skype, Luisa Lancetti of T-Mobile, Brendan Kasper of Vonage (by phone), Jim Lamoureux of Microsoft (by phone), Ellen Schmidt and Adam Frankel of iBasis (by phone), and Glenn Richards, Executive Director and Counsel for VON, met with Christine Kurth, Policy Director and Wireline Counsel for Commissioner McDowell. The same VON members, joined by Paula Boyd of Microsoft (by phone), also met with Zac Katz, Chief Counsel and Senior Legal Advisor for Chairman Genachowski.

During the meetings, VON reiterated its support for bill and keep for VoIP traffic and warned that imposing access charges on VoIP would result in higher prices for consumers and enterprise VoIP customers until the transition to bill and keep was completed. VON questioned the legal justification for imposing access charges on VoIP under 251(g) and suggested that applying reciprocal compensation under Section 251(b) and 252(d)(2) would be a more legally sustainable approach. VON also noted that the order in the USF/ICC reform proceeding should be drafted carefully so as not to disturb the Commission's decision to preempt state regulation of VoIP in the 2004 *Vonage Order*. VON strongly warned against any language that would provide state regulators the



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opportunity to assert jurisdiction over VoIP service providers. VON also recommended that the Commission assert its authority to resolve disputes regarding IP-to-IP interconnection at the transmission layer, and that delay could lead to terminating carriers delaying broadband deployment in order to maintain access charge payments for as long as possible prior to the transition to bill and keep.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards  
Executive Director

cc: Christine Kurth (by email)  
Zac Katz (by email)