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# LATHAM & WATKINS LLP

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October 21, 2011

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

**Re: Notification of Ex Parte Presentation, *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**

Dear Ms. Dortch:

On October 19, 2011, Terri Natoli of Time Warner Cable Inc. (“TWC”) and the undersigned (representing TWC), together with Mary McManus of Comcast Corporation (“Comcast”) and Richard Metzger of Lawler Metzger Keeney & Logan, LLC (representing Comcast), and Grace Koh and Barry Ohlson of Cox Enterprises, Inc. (representing Cox Communications, Inc. (“Cox”)), met with Margaret McCarthy, Policy Advisor to Commissioner Cops and Christine Kurth, Policy Director & Wireline Counsel to Commissioner McDowell, regarding intercarrier compensation (“ICC”) reform proposals advanced in the above-captioned proceedings. On October 20, the same representatives of TWC and Comcast, and Barry Ohlson for Cox, met with Zac Katz, Legal Advisor to Chairman Genachowski, and Rebekah Goodheart of the Wireline Competition Bureau.

At each meeting, we reiterated our view that any ICC reform undertaken with respect to terminating access charges should clearly address the rights of competitive local exchange carriers (“CLECs”) that provide (a) wholesale telecommunications services to facilities-based interconnected VoIP providers, or (b) interconnected VoIP services directly to end users. We urged the Commission to adopt the proposed rules submitted by Comcast, TWC, and Cox with their ex parte letter of October 5, 2011.<sup>1</sup> We further noted that the draft ICC rules submitted by

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<sup>1</sup> See Ex Parte Letter of Mary McManus to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 et al. (Oct. 5, 2011).

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the price cap carriers responsible for the “ABC Plan” contain numerous flaws, most of which arise from those rules’ exclusive focus on incumbent LECs’ network architecture.<sup>2</sup> To illustrate our concerns, we explained that the price cap carriers’ proposal to define “End Office Access Service” as the “switching of access service traffic at the carrier’s end office switch and the delivery to or from of such traffic [sic] to the called party’s premises” would perpetuate disputes about the entitlement of CLECs that partner with VoIP providers to collect access charges. By the same token, we expressed our strong opposition to the price cap carriers’ proposal to limit such CLECs’ rights by requiring that they perform functions identical to those undertaken by incumbent LECs in order to collect equivalent terminating access or reciprocal compensation charges.

Please contact the undersigned if you have any questions regarding these issues.

Sincerely,

*/s/ Matthew A. Brill*

Matthew A. Brill  
*Counsel for Time Warner Cable*

cc: Rebekah Goodheart  
Zac Katz  
Christine Kurth  
Margaret McCarthy

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<sup>2</sup> See Ex Parte Letter of Mary McManus, Barry J. Ohlson, and Terri B. Natoli to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 et al. (Oct. 17, 2011).