

October 25, 2011

VIA ECFS

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Connect America Fund, WC Dkt. No. 10-90; A National Broadband Plan for Our Future, GN Dkt. No. 09-51; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Dkt. No. 07-135; High-Cost Universal Service Support, WC Dkt. No. 05-337; Developing an Unified Intercarrier Compensation Regime, CC Dkt. No. 01-92; Federal-State Joint Board on Universal Service, CC Dkt. No. 96-45; Lifeline and Link-Up, WC Dkt. No. 03-109*

Dear Ms. Dortch:

Pursuant to Sections 1.1203(a)(1), 1.1204(a)(10)(iv) and 1.1206(b)(2)(v) of the Commission's Rules, 47 C.F.R. §§ 1.1203(a)(1), 1.1204(a)(10)(iv) and 1.1206(b)(2)(v), the undersigned, representing Cbeyond, Inc., Integra Telecom, Inc., and tw telecom inc. (collectively, the "Joint CLECs"), hereby submits in the above-referenced dockets this summary of an oral *ex parte* presentation made via telephone at 9:00 am today to Angela Kronenberg, Wireline Legal Advisor to Commissioner Mignon Clyburn. Ms. Kronenberg contacted me to request that the Joint CLECs clarify their position regarding incumbent LECs' duty to provide direct IP-to-IP interconnection for the purpose of exchanging facilities-based interconnected VoIP traffic.

During the presentation, I explained that the Commission should clarify that incumbent LECs are required to provide direct IP-to-IP interconnection pursuant to Section 251(c)(2) of the Communications Act to any entity that voluntarily holds itself out as providing facilities-based interconnected VoIP as a telecommunications service. I further explained that, even if the Commission does not clarify the scope of Section 251(c)(2) in this manner, it should at least clarify that all telecommunications carriers have the duty to interconnect with other telecommunications carriers as well as to negotiate such interconnection arrangements in good faith, and that this duty applies to the direct interconnection of IP networks for the purpose of transmitting facilities-based interconnected VoIP traffic. The Commission should specify that it expects that good faith negotiations will yield efficient, direct IP-to-IP interconnection arrangements without undo delay, including between incumbent LECs and competitive providers of facilities-based interconnected VoIP service. Finally, the Commission should also specify that, where an incumbent LEC establishes such an interconnection

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arrangement with a competitive LEC, the terms governing the arrangement must be set forth in an interconnection agreement subject to the requirements of Sections 251 and 252 of the Communications Act.

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns regarding this submission.

Respectfully submitted,

/s/ Thomas Jones
Thomas Jones

*Counsel for Cbeyond, Inc., Integra Telecom, Inc.,
and tw telecom inc.*

cc (via email): Angela Kronenberg