



Michael J. Mooney
General Counsel, Regulatory Policy

720-888-2538
michael.mooney@level3.com

VIA ELECTRONIC FILING

February 9, 2012

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

Re: Notice of Oral *Ex Parte* Communications, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36

Dear Ms. Dortch:

On February 7, 2012, Andrew Dugan, Senior Vice President, Architecture and Engineering, Nicolas Pujet, Senior Vice President of Corporate Strategy, Shane Amante, Senior Network Architect, and the undersigned, of Level 3 Communications, LLC (“Level 3”), met with Henning Schulzrinne, CTO, Walter Johnston, Chief, Electromagnetic Compatibility Division, OET, James Miller, Senior Attorney Advisor, Electromagnetic Compatibility Division, OET and Alec MacDonell, Telecommunications Systems Specialist, Industry Analysis and Technology Division, WCB, to discuss the Federal Communications Commission’s (“Commission”) ongoing efforts towards establishing standards for measuring the performance of the Internet. We discussed, among other things, the importance of transparency in the offerings of Internet Service Providers so that Internet consumers know the actual Internet performance they are receiving in addition to the performance being advertised to them.

We also discussed the ultimate importance of end-to-end Internet metrics, given that poor performance of any link from the beginning of the transmission to the end can result in a poor consumer experience. We discussed how such end to end measurements

can be taken (including through the use of trace routing) to identify specific links in the end to end transmission which are contributing to performance issues. We also discussed that measurement standards should be agreed upon and implemented on an industry wide basis, as opposed to only involving certain providers or types of providers involved in Internet transmissions. For example, the Commission expressed an interest in obtaining the cooperation of Internet Service Providers, backbone network providers, and content providers/owners in establishing the overall metrics to be implemented.

Level 3 looks forward to continuing to work actively with the Commission as its efforts progress.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Michael J. Mooney

cc: (via email)

Henning Schulzrinne
Walter Johnston
James Miller
Alec MacDonell