

March 12, 2012

Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001  
Tel 202-639-6000  
www.jenner.com

Chicago  
Los Angeles  
New York  
Washington, DC

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

Samuel L. Feder  
Tel 202 639-6092  
Fax 202 661-4999  
sfeder@jenner.com

Re: *Ex Parte* Presentation, Docket Nos. 10-90, 09-51, 07-135, 05-337, 01-92, 96-45, 03-109

Dear Ms. Dortch:

On March 8, 2012, Catherine Bohigian of Cablevision Systems Corporation, Crystal Tully of Charter Communications, Inc, and the undersigned on behalf of Cablevision and Charter met with Commission Staff in three separate meetings concerning the above referenced proceedings. The meetings were with: Michael Steffen, Legal Advisor to Chairman Genachowski and Rebekah Goodheart of the Wireline Competition Bureau; Christine Kurth, Legal Advisor to Commissioner McDowell; and Angela Kronenberg, Legal Advisor to Commissioner Clyburn.

In these meetings, Cablevision and Charter addressed the Petition for Reconsideration and/or Clarification filed by Frontier Communications Corporation and Windstream Communications, Inc, in which they seek the ability to charge intrastate originating access rates for intrastate toll traffic that originates in TDM and terminates in VoIP.<sup>1</sup> As an initial matter, Cablevision and Charter explained that the relief Frontier and Windstream seek cannot be granted via clarification of the Commission's *Intercarrier Compensation Order*,<sup>2</sup> as the rules adopted in the *Order* plainly cap rates for traffic that is originated or terminated in VoIP at interstate levels.<sup>3</sup>

With respect to whether the Commission should reconsider the *Order* in the manner Frontier and Windstream seek, Cablevision and Charter explained that, whatever the Commission does, it is essential that VoIP-to-TDM traffic continue to be treated identically to TDM-to-VoIP traffic for purposes of assessing originating access. This symmetric treatment was a crucial component of the *Order*,<sup>4</sup> and allowing TDM-to-VoIP traffic to be assessed at rates higher than VoIP-to-TDM traffic makes no sense as a matter of policy. Such an asymmetric rate

---

<sup>1</sup> Petition for Reconsideration and/or Clarification of Frontier Communications Corp. and Windstream Communications, Inc., WC Docket No. 10-90 (filed Dec. 29, 2011).

<sup>2</sup> *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90. (rel. Nov. 18, 2011) ("*Intercarrier Compensation Order*" or "*Order*").

<sup>3</sup> See, e.g., 47 C.F.R. § 51.913(a).

<sup>4</sup> See *Order* ¶ 942.

Ms. Marlene Dortch  
March 12, 2012  
Page 2

structure would create yet another arbitrary intercarrier compensation distinction and would discourage TDM-based LECs from adopting IP equipment, as doing so would instantly lower the revenues they could collect. Moreover, there is no basis to the claim that TDM-based carriers like Frontier and Windstream were uniquely harmed by the *Order*'s reduction in originating access rates. Cablevision and Charter also suffered revenue losses as a result of the reduction of originating intrastate access rates to interstate levels, amounting to estimated losses of several million dollars annually for each. Accordingly, Cablevision and Charter have no objection to reconsidering the *Order* as Frontier and Windstream seek, so long as the Commission makes clear that intrastate VoIP-to-TDM toll traffic may also be assessed at intrastate levels.<sup>5</sup>

In accordance with §1.1206 of the Commission rules, one copy of this letter is being filed electronically via ECFS, and one delivered via email to the FCC participants.

Sincerely,

*/s/ Samuel L. Feder*

Samuel L. Feder

cc: Michael Steffen  
Christine Kurth  
Angela Kronenberg  
Rebekah Goodheart

---

<sup>5</sup> See *Ex Parte* Letter of Cbeyond, Earthlink, Frontier, Integra Telecom, the National Cable & Telecommunications Association, the National Telecommunications Cooperative Association, tw telecom, and Windstream, WC Docket No. 10-90 (filed March 8, 2012).