

March 19, 2012

**VIA ECFS**

***EX PARTE***

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

**Re: *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future, CC Dkt. No. 01-92, WC Dkt. Nos. 07-135, 10-90, & 05-337, GN Dkt. No. 09-51***

Dear Ms. Dortch:

On March 19, 2012, the undersigned and Nirali Patel of Willkie Farr & Gallagher LLP, representing Cbeyond, Inc., EarthLink, Inc., Integra Telecom, Inc., and tw telecom inc. (collectively, “the Joint CLECs”), met with Michael Steffen, Legal Advisor to Chairman Genachowski, and Victoria Goldberg, Rebekah Goodheart, John Hunter, and Travis Litman of the Wireline Competition Bureau. In the meeting, we reiterated the arguments made in, and discussed the financial impact data included in the *ex parte* letter filed by the Joint CLECs on March 1, 2012 in the above-referenced dockets.<sup>1</sup> We explained that the Commission should cap originating access charges for intrastate toll traffic that originates and/or terminates in IP format at the level of intrastate originating access charges in effect as of December 28, 2011, the day before the *ICC/USF Order*<sup>2</sup> took effect.<sup>3</sup> We explained further that, in

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<sup>1</sup> See Letter from Thomas Jones, Counsel for Cbeyond, Inc., EarthLink, Inc., Integra Telecom, Inc., and tw telecom inc., to Marlene H. Dortch, Secretary, FCC, CC Dkt. No. 01-92, WC Dkt. Nos. 07-135, 10-90 & 05-337, GN Dkt. No. 09-51 (filed Mar. 1, 2012) (“Joint CLECs’ Mar. 1, 2012 Letter”).

<sup>2</sup> See generally *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17663 (2011) (“*ICC/USF Order*”).

<sup>3</sup> See also Letter from Cbeyond, Inc., EarthLink, Inc., Frontier, Integra Telecom, Inc., National Cable & Telecommunications Association, National Telecommunications Cooperative Association, tw telecom, inc. and Windstream, to Marlene H. Dortch, Secretary, FCC, CC Dkt. Nos. 96-45 & 01-92,

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all events, the Commission should not allow incumbent LECs to recover lost originating access revenues from the access recovery mechanism.<sup>4</sup>

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

Respectfully submitted,

/s/ Thomas Jones  
Thomas Jones

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

cc (via email): Michael Steffen  
Victoria Goldberg  
Rebekah Goodheart  
John Hunter  
Travis Litman

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WC Dkt. Nos. 03-109, 05-337, 07-135 & 10-90, GN Dkt. No. 09-51, and WT Dkt. No. 10-208, Attachment, at 1 (filed Mar. 8, 2012).

<sup>4</sup> See Joint CLECs' Mar. 1, 2012 Letter at 4.