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EX PARTE

April 6, 2012

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

Re: *WC Docket No. 10-90, Connect America Fund; GN Docket No. 09-51, National Broadband Plan for our Future; WC Docket No. 07-135, Establishing Just and Reasonable Rates for Local Exchange Carriers; WC Docket No. 05-337, High-Cost Universal Service Support; CC Docket No. 01-92, Developing a Unified Intercarrier Compensation Regime; CC Docket No. 96-45, Federal State Joint Board on Universal Service; WC Docket No. 03-109, Lifeline and Link-Up, Universal Service Reform – Mobility Fund, WT Docket No. 10-208*

Dear Ms. Dortch:

On April 4, 2012, Andrea Pierantozzi, Vice President, Voice Services, Mack Greene, Director, Voice Services, and the undersigned, of Level 3 Communications, LLC (“Level 3”), participated in a conference call with Christine Kurth, Policy Director and Wireline Counsel for Commissioner Robert McDowell, to discuss Level 3’s concern with recent proposals¹ requesting that the Commission clarify and/or reconsider its rules, in order to subject originating VoIP-PSTN traffic to intrastate access rates.²

¹ See NECA *et al.* Petition for Reconsideration, WC Dockets 10-90 *et al.* at 36 (filed Dec. 29, 2011); Petition for Reconsideration of the US Telecom Association, WC Docket Nos. 10-90 *et al.* at 39 (filed Dec. 29, 2011); Petition for Reconsideration of

Level 3 reiterated the arguments it made in its recent *ex parte* letters³ that any decision by the Commission to change its rules to impose the legacy originating access charge regime upon VoIP-PSTN traffic at this point only exacerbates the uncertainty surrounding VoIP-PSTN traffic and would ultimately undo much of the Commission's efforts to reform the intercarrier compensation regime.

Level 3 stated that should the Commission choose to reconsider its rules regarding the applicable rate for VoIP-PSTN traffic originating access charges, that two fundamental issues must be resolved. First, carriers need to have adequate time to update their tariffs, and accommodate state tariff approval timelines, before the effective date of the Commission's new rules. Tariff approval timelines are 30 days or longer for many states. Second, the billing process for originating access charges works through a factor filing process. Carriers must have sufficient time to adjust their billing systems so that their new factors are calculated appropriately. Since the second quarter of 2012 has already commenced, the third quarter represents the earliest possible time within which carriers can collect factor filing data, and adjust calculations to reflect the Commission's new rules. Therefore, Level 3 argued that the effective date of any new Commission rules should not occur before the beginning of the fourth quarter of 2012.

In conclusion, Level 3 also stated that the Commission should reconfirm that any new and, presumably, prospective VoIP-PSTN originating access framework applies to the new originating VoIP-PSTN intrastate access rate as well as the VoIP-PSTN

Frontier Communications and Windstream Communications, WC Docket Nos. 10-90 et al. at 21-27 (filed Dec. 29, 2011); Letter from Frontier *et al.* to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Dockets No. 10-90, *et al.* (filed Mar. 8, 2012).

² See Letter from Frontier *et al.* to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90, *Connect America Fund*; GN Docket No. 09-51, *National Broadband Plan for our Future*; WC Docket No. 07-135, *Establishing Just and Reasonable Rates for Local Exchange Carriers*; WC Docket No. 05-337, *High-Cost Universal Service Support*; CC Docket No. 01-92, *Developing a Unified Intercarrier Compensation Regime*; CC Docket No. 96-45, *Federal State Joint Board on Universal Service*; WC Docket No. 03-109, *Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, (filed Mar. 8, 2012) (“Joint Letter”).

³ See Letter from Erin Boone, Senior Corporate Counsel, Federal Regulatory Affairs, Level 3 Communications, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 *et al.* (filed Mar. 14, 2012); Letter from Erin Boone, Senior Corporate Counsel, Federal Regulatory Affairs, Level 3 Communications, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 *et al.* (filed Mar. 20, 2012); Letter from Erin Boone, Senior Corporate Counsel, Federal Regulatory Affairs, Level 3 Communications, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 *et al.* (filed Apr. 3, 2012).

originating intrastate access rate structure, including both per-minute (usage sensitive) and fixed-rated (dedicated) charges, as it did in its February 3, 2012 *USF/ICC Clarification Order*,⁴ in order to reduce the potential for industry confusion related to the rule change.

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 proceeding. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Erin Boone

Erin Boone

cc: (via email) Christine Kurth

⁴ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 12-147 (rel. Feb. 3, 2012) (*USF/ICC Clarification Order*) at ¶ 22.