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**EX PARTE**

April 13, 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 11, 2012, Andrea Pierantozzi, Vice President, Voice Services, Mack Greene, Director, Voice Services (via phone), and the undersigned, of Level 3 Communications, LLC (“Level 3”), met with Michael Steffen, Legal Advisor to Chairman Genachowski, to discuss Level 3’s concern with recent proposals<sup>1</sup> requesting

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<sup>1</sup> 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 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,

that the Commission clarify and/or reconsider its rules, in order to subject originating VoIP-PSTN traffic to intrastate access rates.<sup>2</sup>

Level 3 reiterated the arguments it made in its recent *ex parte* letters<sup>3</sup> 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, Level 3 explained that 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, Level 3 highlighted that 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. Because 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 a change in the Commission's 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.

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Secretary, Federal Communications Commission, WC Dockets No. 10-90, *et al.* (filed Mar. 8, 2012).

<sup>2</sup> 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”).

<sup>3</sup> 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).

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) Michael Steffen