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EX PARTE

April 16, 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 12, 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 Victoria Goldberg and Daniel Ball of the Wireline Competition Bureau, to discuss Level 3’s concern with recent proposals¹

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 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,

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

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 traffic at this point only exacerbates the uncertainty surrounding VoIP 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 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, given confusion surrounding the interpretation of the Commission's new rules. In many instances, Level 3 has yet to obtain state approvals for some of its tariffs filed to implement the Commission's rules that were effective on December 29, 2011.

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.

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).

In conclusion, the Bureau requested that Level 3 provide a list of the states where it experienced significant delays of the tariff approval process, including those states where Level 3 has yet to receive approval of its tariffs. Below is an inventory of those states and approval timeframes.

State	Filed/Effective Date
AZ	Filed: 1/12/2012 PUC requested additional review time because of volume. Original proposed effective date: 2/13/12. Effective date still pending.
KS	Filed: 1/17/2012 Level 3 required to re-file to address objections. Effective date: 3/26/12.
MD	Filed: 12/29/2011 PUC requested revisions to Level 3's initial filing. Effective date: 3/14/12.
MO	Filed: 1/18/2012 Level 3 required to re-file to clarify language. Effective date still pending.
NY	Filed: 12/28/2011 Level 3 required to re-file to clarify language. Effective date: 3/7/12.
OH	Filed: 1/19/2012 PUC issued data requests. Effective date still pending.
OK	Filed: 1/13/2012 PUC consolidated several carrier filings. Effective date still pending.
PA	Filed: 12/29/2011 Level 3 required to re-file to clarify language. New pending effective date: 5/6/12.
WV	Filed: 1/18/2012 PUC issued data requests. Effective date: 4/13/12.

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) Victoria Goldberg

Daniel Ball