

April 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 April 17, 2012, the undersigned, representing Cbeyond, Inc., EarthLink, Inc., Integra Telecom, Inc., and tw telecom inc. (collectively, “the Joint CLECs”) discussed the application of originating access charges to intrastate toll traffic that originates and/or terminates in IP format with Angie Kronenberg, legal advisor to Commissioner Mignon Clyburn. On April 18, 2012, the undersigned discussed the same topic with Christine Kurth, legal advisor to Commissioner Robert McDowell. During the discussions, I 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.¹ In particular, I reiterated 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*² took effect.³ I also stated that the Joint CLECs could implement the changes (including changes to their

¹ 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).

² 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*”).

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billing systems) needed to comply with this rule in 40 days or less of the release of the Commission's order.

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): Angie Kronenberg
Christine Kurth

³ 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, 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).