



Jack Zinman
General Attorney &
Associate General Counsel

AT&T Services, Inc.
1120 20th St. NW, Suite 1000
Washington, D.C. 20036
Phone 202 457-3053
Fax 202 457-3074

July 16, 2012

VIA ELECTRONIC SUBMISSION

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

Re: Notice of *Ex Parte* – CC Docket No. 96-45; CC Docket No. 01-92; WC Docket No. 03-109; WC Docket No. 05-337; WC Docket No. 07-135; WC Docket No. 10-90; GN Docket No. 09-51

Dear Ms. Dortch:

On July 12, 2012, Hank Hultquist, Jack Zinman, Brian Benison and Ken Bradtke, representing AT&T, met with Deena Shetler, Victoria Goldberg, John, Hunter, Randy Clarke, Travis Litman, and Michelle Domingue of the Wireline Competition Bureau to discuss recent filings by Level 3 and Bandwidth.com (collectively, the CLECs) in the above-referenced dockets.¹ During the meeting we discussed the attached presentation, which explains why the CLECs are not entitled to collect end office switched access charges for the limited call management functions they allegedly perform on PSTN-to-VoIP calls sent to subscribers of “over-the-top” Internet VoIP services who obtain broadband Internet connectivity from a third-party Internet Service Provider (ISP).

We also explained why those limited call management functions do not constitute “the routing of interexchange telecommunications traffic *to or from the called party’s premises*” within the meaning of section 51.903 of the Commission’s rules.² In particular, we explained that neither the CLECs nor their over-the-top VoIP provider partners possess information regarding how to route IP packets associated with a PSTN-to-VoIP call *inside* the domains of third-party ISPs, nor do they perform such routing to or from the called party’s premises served by such ISPs.³ Instead, only the ISP that provides service to a particular end user premises

¹ See, e.g., Letter from Tamar Finn, Counsel for Bandwidth.com, to Marlene Dortch, FCC, CC Docket No. 96-45, et al, (June 11, 2012).

² 47 C.F.R. § 51.903(d)(2) (emphasis added).

³ See Cisco, Exploring Autonomous System Numbers, Internet Protocol Journal – Volume 9, Number 1 at 1 (explaining differences between intradomain and interdomain routing) available at http://www.cisco.com/web/about/ac123/ac147/archived_issues/ipj_9-1/autonomous_system_numbers.html.

knows to which router or routers that premises is connected and only that ISP actually “routes” the packets to the end user.⁴

If you have any questions or need additional information, please do not hesitate to contact me. Pursuant to section 1.1206 of the Commission’s rules, this letter is being filed electronically with the Commission.

Sincerely,

/s/
Jack Zinman

Attachment

cc: Deena Shetler
Victoria Goldberg
John Hunter
Randy Clarke
Travis Litman
Michelle Domingue

⁴ *See id.* (“Each routing domain is a single administrative domain, operated within a uniform set of routing policies, and is operated independently from any other domain.” “The interdomain routing environment describes how domains interconnect, but avoids the task of maintaining transit paths within each domain.” In the intradomain routing environment, the “network domains use an interior routing protocol . . . which maintains a complete mapping set for the current internal topology of the domain, together with a set of ‘best paths’ between any two points within the network domain.”)



at&t

Switched Access Functions and VoIP

July 12, 2012

Background

- Two CLECs (Level 3 and Bandwidth.com) recently sought further clarification of the Commission's rules that prohibit CLECs serving VoIP providers from assessing access charges for functions performed by neither of them.
- In particular, clarification that neither access to last mile facilities nor access to a router anywhere near the end user is a necessary component of end office switching.
- They argue instead that end office switching consists of "the intelligence and infrastructure that manages the interaction with the end user's telecommunications or VoIP service and that initiates call set-up and takedown," and that "whether end users are connected to the PSTN by dedicated facilities or shared facilities (including the public Internet) is irrelevant to determining whether the LEC serving them is providing the equivalent of end office access."
- Their arguments are inconsistent with longstanding Commission practice and precedent, and with the recent reform order and subsequent clarification.

The rules are clear

- As the Commission said in its landmark reform order
 - “...our rules do not permit a LEC to charge for functions performed neither by itself or its retail service provider partner.” Report and Order, October, 2011

- When Ymax sought virtually the same clarification as the CLECs here, the Bureau rejected its request and reiterated that
 - “Section 51.913(b) expressly states that ‘this rule does not permit a local exchange carrier to charge for functions not performed by the local exchange carrier itself or the affiliated or unaffiliated provider of [VoIP service].’” Clarification Order, February, 2012

- The Commission previously rejected the argument that the Internet itself could represent the line-side connection associated with end office switching
 - “If this exchange of packets over the Internet is a ‘virtual loop,’ then so too is the entire public switched telephone network – and the term “loop” has lost all meaning.” AT&T vs YMAX Order, April, 2011

“Call management” is not call routing

- These CLECs would have the Commission reduce end office services to the “[the infrastructure] that manages the interaction with the end user’s telecommunications or VoIP service.”
- But the Commission’s rules require, at a minimum, that a CLEC or its VoIP partner perform “the routing of interexchange telecommunications traffic to or from the called party’s premises.”
- Here the routing of voice communications to and from the called party’s premises is performed not by the CLEC or the VoIP provider, but by the called party’s Internet Service Provider (ISP).
- The call management functions that the CLECs point to (including call setup and takedown) are signaling functions, not the routing of voice packets that comprise the actual conversation.

End office switching includes the point of switching (or routing) nearest to the end user

PSTN To PSTN Customer



PSTN To Cable VoIP Customer



PSTN To Over-the-Top VoIP Customer

