

**Ward & Ward, P.C.**

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November 15, 2012

By Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554

Re: CC Docket No. 96-128 - Ex Parte Presentation  
Illinois Public Telecommunications Association Petition for Declaratory Ruling  
Michigan Pay Telephone Association Petition for Declaratory Ruling  
Independent Payphone Association of New York Petition for Declaratory Ruling

Dear Ms. Dortch:

On November 14, 2012 Michael W. Ward, General Counsel of the Illinois Public Telecommunications Association, Henry T. Kelly, General Counsel, and Gary Pace, Executive Director, of the Michigan Pay Telephone Association, and Keith J. Roland, General Counsel of the Independent Payphone Association of New York, met with Suzanne Tetreault, Deputy General Counsel, Raelynn Remy and Marcus Maher of the Office of the General Counsel, and Deena Shetler, Associate Wireline Bureau Chief, and Lynne Engledow of the Wireline Competition Bureau to discuss the Associations' position on the above Petitions.

Our meeting reviewed the Commission's findings under Section 276 of the dual federal mandates (1) that the BOCs were required to provide new services test compliant rates to independent payphone providers by no later than April 15, 1997 and (2) the additional federal requirement that the BOCs were not eligible to collect dial around compensation until in actual compliance with the cost-based rate requirement. We discussed the preemption of all state requirements that were inconsistent with the implementation of these mandates, as expressly found by Congress, the Commission and the federal courts. Also discussed was the procedure established by the Commission to implement these mandates, including the ordering of the filing of compliant tariffs in the state jurisdiction, the Commission's requirement that the states must apply the federal requirements as established by the Commission, and the Commission's retention of jurisdiction to ensure that the Commission's orders were followed by the states.

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Each Petitioner's state procedural history was reviewed. We discussed the numerous Commission and federal court decisions identifying both the continuing jurisdiction and the ultimate responsibility placed on the Commission to ensure that the federal mandates were fully implemented.

Further conversation addressed the Commission's decisions that the Commission would enforce the mandate that the BOCs would not be eligible for dial around compensation unless the BOC was in actual compliance with the cost-based rate requirement and the federal courts' decisions that the Commission was authorized to order refunds of any charges in excess of that required under Section 276.

These discussions included the decisions found in the attached documents.

Sincerely,

A handwritten signature in cursive script that reads "Michael W. Ward".

Michael W. Ward

cc: Suzanne Tetreault  
Raelynn Remy  
Marcus Maher  
Deena Shetler  
Lynne Engledow  
Henry T. Kelly  
Gary L. Pace  
Keith J. Roland

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