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December 14, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

**Re: Notice of *Ex Parte* in WC Docket No. 06-122
InComm Solutions, Inc.**

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide notice of an oral *ex parte* presentation in connection with the above captioned proceeding. On December 12, 2012, undersigned counsel on behalf of InComm Solutions, Inc., ("InComm") spoke via telephone with Vickie S. Robinson and Carol Pomponio, staff attorneys with the Wireline Competition Bureau regarding the status of the request for review of a decision of the universal service administrator and petition for waiver filed by InComm on February 6, 2012 ("Request"). InComm, through its *Request*, is seeking to avoid contributions based on revenue previously reported as end-user by its underlying wholesale carrier. We discussed arguments set forth in the *Request* including how InComm is not contesting USF late filing penalties and is not seeking a credit based on universal service fund ("USF") surcharges remitted to InComm's underlying carrier. Moreover, focusing only on that part of InComm's revenue previously reported as end-user revenue by InComm's underlying carries ensures the retail markup on the services InComm provided is captured in the contribution base. As a result, there will be no loss of USF contributions if the *Request* is granted. Finally, we discussed the "clear and convincing" evidentiary standard recently adopted by the Commission for USF double collection situations involving wholesalers.

Sincerely,



Jeffrey A. Mitchell
Counsel for InComm Solutions, Inc.

cc: Vickie Robinson, Esq.
Carol Pomponio, Esq.