



FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: ***Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; High Cost Universal Service Support, WC Docket No. 05-337; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal State Joint Board on Universal Service, CC Docket No. 96-45.***

Dear Ms. Dortch:

On May 9, 2013, Ian Neale, Senior Vice President – Global Voice Product and the undersigned met with Randy Clarke, Rhonda Lien and Alec MacDonnell of the Wireline Competition Bureau. In the meeting, Inteliquent argued against AT&T and Verizon’s view that the Commission’s rules, 47 C.F.R. §§ 51.913 & 61.26, preclude competitive local exchange carriers (CLECs) working in conjunction with over-the-top Voice over Internet Protocol (VoIP) providers from tariffing and collecting end-office switching charges.¹

Inteliquent explained that AT&T and Verizon wrongly frame the applicability of end-office switching charges as an all-or-nothing question, in which the function of physically connecting a call to a dedicated loop is a necessary condition to collecting *any* end-office switching charges. In fact, however, the Commission’s rules specifically contemplate that whether the functional equivalent of particular access services are being performed should be analyzed on a rate-element-by-rate-element basis. Specifically, 47 C.F.R. § 51.903(d) states that “[e]nd office Access Service *rate elements* for a non-incumbent carrier include any functionally equivalent access service.”² Physically connecting a call to a dedicated loop is encompassed by only one of multiple rate elements comprising end-office switching, the Carrier Common Line (CCL) charge.³

¹ See Letter of Sam Feder, Counsel, Inteliquent, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10- 90, 05-337, GN Docket No. 09-51, CC Dockets No. 01-92, 96-45 (filed May 10, 2013).

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

³ See Letter of John T. Nakahata, Counsel, Level 3 Communications, LLC, and Tamar Finn, Counsel, Bandwidth.com, *et al.*, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10- 90, 05-337, GN Docket No. 09-51, CC Dockets No. 01-92, 96-45 (filed Sept. 10, 2012); Letter of John T. Nakahata, Counsel, Level 3 Communications, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10- 90, 05-337, GN Docket No. 09-51, CC Dockets No. 01-92, 96-45 (filed Dec. 17, 2012).



Inteliquent explained that it tariffs its access services on an element-by-element basis, rather than on a composite basis.⁴ When working in conjunction with over-the-top VoIP providers to originate or terminate calls, Inteliquent does not assess a CCL charge. Inteliquent stated that carriers not physically connecting a call to a dedicated loop should not be able to charge for this function or to charge the entirety of a composite rate. At the same time, however, the failure to provide this function should not preclude assessing end-office switching charges altogether.

Inteliquent thus urged the Commission to clarify that its rules allow access charges for end-office services performed in conjunction with over-the-top VoIP traffic, but that the (CCL) rate element associated with physically connecting a call to a dedicated loop is not chargeable.

If you have any questions about this letter, please contact me.

Respectfully submitted,

/s/ John Harrington

John Harrington
*Senior Vice President,
Litigation, Regulatory & Human Resources*

cc: Randy Clarke
Rhonda Lien
Alec MacDonnell

⁴ The federal court case relied upon by Verizon, *see* Letter of Alan Buzacott, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10- 90, 05-337, GN Docket No. 09-51, CC Dockets No. 01-92, 96-45 (filed May 6, 2013), is thus distinguishable, as the carrier involved charge a composite rate.