

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

STEVEN A. AUGUSTINO

DIRECT LINE: (202) 342-8612

EMAIL: saugustino@kelleydrye.com

NEW YORK, NY
LOS ANGELES, CA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ
BRUSSELS, BELGIUM

AFFILIATE OFFICES
MUMBAI, INDIA

August 26, 2013

VIA ECFS

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

Re: Notice of *Ex Parte* Presentation, InterCall, Inc.
*Cisco WebEx LLC Request for Review of a Decision of the Universal
Service Administrator, WC Docket No. 06-122*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the undersigned counsel hereby provides notice that on August 22, 2013, InterCall, Inc. ("InterCall") met with members of the Telecommunications Access Policy Division ("TAPD") of the Wireline Competition Bureau concerning Cisco WebEx LLC's Request for Review of a Decision of the Universal Service Administrator ("Request for Review").¹ In attendance on behalf of InterCall were Lynn A. Stang, Esq., Vice President, Deputy General Counsel, West Corporation; Stephen Sperling, Vice President of Global Production Infrastructure, InterCall; Blaine Cox, Director of Global Infrastructure, InterCall; and Steven A. Augustino and Jameson J. Dempsey of Kelley Drye & Warren LLP. The following TAPD personnel attended the meeting: Chin Yoo (Acting Deputy Division Chief), Carol Pomponio, and Claudia Pabo (by phone).

During the meeting, InterCall outlined the key points from its comments in opposition to Cisco WebEx LLC's ("Cisco") Request for Review. InterCall stated that WebEx

¹ See Public Notice, *Wireline Competition Bureau Seeks Comment on Cisco WebEx LLC Request for Review of a Decision by the Universal Service Administrative Company*, DA 13-717 (rel. Apr. 15, 2013); see also *Cisco WebEx LLC Request for Review of a Decision of the Universal Service Administrator, WC Docket No. 06-122* (filed Apr. 8, 2013) ("Request for Review").

Ms. Marlene H. Dortch
August 26, 2013
Page 2

audio and the WebEx desktop collaboration tool are not integrated, and that the relationship between the two services is akin to the menu of services analyzed in the *Prepaid Calling Card Order*. Specifically, InterCall noted that the audio service is purchased separately, billed separately, may be used separately, and may be substituted for a third-party audio solution—all of which are indicia of a nonintegrated service. Moreover, when a user opts to use the audio service on a stand-alone basis, he or she may not control the desktop tool from the audio service. As such, to the user, the audio services do not receive any of the services associated with the desktop tool, and the user’s experience parallels the experience of traditional audio conferencing services.

InterCall also highlighted the D.C. Circuit’s recent opinion in *The Conference Group LLC v. FCC*, which supports the conclusion that the *InterCall Order* simply interpreted existing precedent rather than announcing a new standard.²

Finally, InterCall stated that Cisco should not be permitted to report audio revenues using a “fair market value” apportionment of audio revenues, because such a standard would ask USAC to evaluate information beyond its capacity to evaluate and would risk that similarly situated providers will assign widely divergent values to the same service, contrary to Section 254’s foundational principle of competitive neutrality. Cisco should be required to pay into the fund based its end user audio revenues, even if its audio minutes are priced at an above-market rate. If it ultimately agrees with Cisco that audio revenues are not assessable, however, the Commission should allow all similarly situated providers to restate their revenues back to the date of the *InterCall Order*.

During the meeting, TAPD staff asked for additional information on the technical configuration of WebEx services and InterCall’s resale of WebEx. InterCall stated that it would provide additional information in a supplemental filing.

² See *The Conference Group LLC v. FCC*, Docket No. 12-1124 (D.C. Cir. July 2, 2013), slip op. at 15.

KELLEY DRYE & WARREN LLP

Ms. Marlene H. Dortch
August 26, 2013
Page 3

In accordance with Section 1.1206(b)(2)(iii), this notice is timely filed.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Augustino". The signature is written in a cursive style with a large, stylized initial 'S'.

Steven A. Augustino
Jameson J. Dempsey
Counsel for InterCall, Inc.

cc: FCC personnel listed above