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October 17, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

**Re: Ex Parte Notice
Composition of SMS/800, Inc., WC Docket No. 12-260
*Toll Free Service Access Codes, CC Docket No. 95-155***

Dear Ms. Dortch:

On behalf of Hypercube Telecom, LLC, Americatel Corporation, Matrix Telecom, Inc., Excel Telecommunications, Inc. and U.S. TelePacific Corp. d/b/a TelePacific Communications (“Joint Commenters”), and pursuant to Section 1.1206 of the Commission’s Rules, 47 C.F.R. § 1.1206, this filing provides a copy of the letter sent to Commissioner Ajit Pai on October 16, 2013. Should any additional information be required with respect to this *ex parte* notice, please do not hesitate to contact me.

Sincerely,

/s/ electronically signed

Eric J. Branfman

Counsel for Hypercube Telecom, LLC,
Americatel Corporation, Matrix Telecom, Inc.,
Excel Telecommunications, Inc. and U.S.
TelePacific Corp. d/b/a TelePacific
Communications

Attachment

cc (via email): Commissioner Ajit Pai
Nicholas Degani

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October 16, 2013

VIA ELECTRONIC DELIVERY

Commissioner Ajit Pai
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

**Re: Ex Parte Letter
Composition of SMS/800, Inc., WC Docket No. 12-260
*Toll Free Service Access Codes, CC Docket No. 95-155***

Dear Commissioner Pai:

Hypercube Telecom, LLC, Americatel Corporation, Matrix Telecom, Inc., Excel Telecommunications, Inc. and U.S. TelePacific Corp. d/b/a TelePacific Communications (“Joint Commenters”), through its undersigned counsel, write about the petition pending in the above-referenced dockets to change the composition of SMS/800, Inc. (“Petition”).

On September 13, 2012, SMS/800, Inc. (“Petitioner”) requested Commission approval to expand its membership and governance and to assume the role of toll free database administrator and tariffing responsibility for SMS/800 services. Petitioner has since clarified that the transfer of the tariff from the Bell Operating Companies (“BOCs”) to Petitioner will result in a change in control over the tariff but that the proposed expansion of its membership and governance will not lead to a change of control since no single entity exercises control, or will exercise control, of Petitioner.¹ The comments filed in response to the Petition, including those submitted by Joint Commenters,² generally support the Petitioner’s requests. Joint Commenters also have no objections to transferring the tariffing responsibilities from the BOCs to Petitioner and dispensing with Petitioner submitting a Section 214 transfer of control application.³

¹ See Letter from Aaron M. Panner, Counsel to SMS/800, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-155 and WC Docket No. 12-260 (filed September 4, 2013).

² See Comments of Hypercube Telecom, LLC, Americatel Corporation, Matrix Telecom, Inc., Excel Telecommunications, Inc. and U.S. TelePacific Corp. d/b/a TelePacific Communications, CC Docket No. 95-155 and WC Docket No. 12-260 (filed October 1, 2013).

³ See Letter from Eric J. Branfman, Counsel to Joint Commenters, Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-155 and WC Docket No. 12-260 (filed August 27, 2013).

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Commissioner Ajit Pai
October 16, 2013
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Presently Petitioner is restricted by its “old-style” BOC management which has little incentive to modernize or provide services conducive to an “all-Internet Protocol (“IP”)” future. For example, today’s SMS/800 equipment is old and outdated and is still largely the same as it was 10 or more years ago. Releasing the constraints under which Petitioner is now forced to operate will allow some flexibility to implement new features, retire older equipment and ultimately facilitate the evolution to a product set more conducive to an all-IP future.

Moreover, Petitioner’s Board of Directors is currently limited to the BOC representatives and would benefit from an expansion to include Responsible Organizations (“RespOrgs”) including independent RespOrgs. RespOrgs can provide critical input to improve the administration of toll free numbers that the BOCs may not be able to offer. It is imperative that the Petitioner be allowed to expand the composition of its Board so that all types of RespOrgs (e.g., independent, large, small, etc.) have an opportunity to voice their input and influence changes.

Joint Commenters respectfully requests that the Commission expedite action on this Petition and permit Petitioner to expand its membership and governance and to tariffing responsibility for SMS/800 services. The Petition and subsequent filings by Petitioner set forth the facts and circumstances establishing good cause to grant the Petition. Further prolonging the regulatory process for this Petition which has been pending for over a year could detrimentally affect SMS/800 services.

An electronic copy of this ex parte letter will be submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission’s rules.

Sincerely,

/s/ electronically signed

Eric J. Branfman

Counsel for Hypercube Telecom, LLC,
Americatel Corporation, Matrix Telecom, Inc.,
Excel Telecommunications, Inc. and U.S.
TelePacific Corp. d/b/a TelePacific
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cc: Nicholas Degani

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