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March 12, 2014

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 March 10, 2014, InterCall, Inc. ("InterCall") met with members of the Wireline Competition Bureau concerning Cisco WebEx LLC's ("Cisco") Request for Review of a Decision of the Universal Service Administrator ("Request for Review").<sup>1</sup> 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; Chris Belke, InterCall (by phone), Blaine Cox, Director of Global Infrastructure, InterCall (by phone); and Steven A. Augustino of Kelley Drye & Warren LLP. The following FCC personnel attended the meeting: Julie Veach (Chief, WCB), Mike Jacobs (Legal Advisor, WCB), Chin Yoo (Acting Deputy Division Chief, TAPD), Carol Pomponio, and Claudia Pabo (by phone).

During the meeting, InterCall stressed the need for a quick decision in response to Cisco's appeal. Cisco and InterCall compete in the market, both for the provision of WebEx

<sup>1</sup> 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").

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brand service and in desktop collaboration solutions generally. Cisco's failure to collect USF on the audio portion of its service provides it with a market advantage over InterCall, which collects USF in such situations. Therefore, in order to level the playing field, it is important that the Commission act promptly to clarify that USF applies in this situation.

InterCall outlined the key points from its comments in opposition to Cisco's Request for Review. InterCall stated that WebEx 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. Cisco offers WebEx: (1) without any audio, (2) to resellers that combine their own audio and (3) as a bundled service. These options are inconsistent with a service that is "inextricably intertwined" with desktop collaboration.

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. We provided the attached screen shots of WebEx conferences to demonstrate that audio participants 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.

Finally, InterCall stated that Cisco's claim that the Fund is not harmed by its actions is incorrect. On the one hand, Cisco claims it pays its underlying carrier for audio minutes and thus pays USF indirectly. But Cisco also claims that it charges an above-market rate to end users for audio minutes, depriving the Fund of the significant markup between its input cost and its end user charges. Cisco should be required to pay into the Fund based on its end user audio revenues, even if its audio minutes are priced at an above-market rate. If, on the other hand, the Commission ultimately agrees with Cisco that audio revenues are not assessable the Commission should allow all similarly situated providers to restate their revenues back to the date of the *InterCall Order*.

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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

*Counsel for InterCall, Inc.*

Enclosure

cc: FCC personnel listed above