



The voice of mid-size communications companies

June 1, 2015

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

Re: *Ex Parte* Communication: WC Docket No. 14-228

Dear Ms. Dortch:

On May 28, 2015, Jeff Lanning of CenturyLink, and Genny Morelli and the undersigned of ITTA met jointly with Daniel Alvarez and Matt Diaz in Chairman Wheeler's Office, and Deena Shetler, Pam Arluk, Victoria Goldberg, Robin Cohn, Rhonda Lien, and Doug Sloten in the Wireline Competition Bureau to discuss the LEC Coalition Petition seeking a declaratory ruling by the Commission that the "intraMTA rule" does not apply to LEC charges billed to an IXC when the IXC terminates traffic to or receives traffic from a LEC via ordered tariffed switched access services.¹

ITTA urged the Commission to resolve this issue as expeditiously as possible. The dispute has upended nearly two decades of industrywide intercarrier compensation practices and is creating massive and unnecessary uncertainty for the entire industry. Indeed, comments in the record suggest that this uncertainty is impeding rural broadband deployment efforts.

Given that certain IXCs involved in the proceeding are engaging in self-help and other unjust and unreasonable practices over disputed amounts claimed to be in the hundreds of millions of dollars, the Commission's prompt guidance is essential. The FCC should not wait for the U.S. District Court for the Northern District of Texas, where multidistrict litigation regarding the dispute has been consolidated, to resolve the matter. The litigation is in the preliminary stages, with oral arguments on the LEC defendants' motion to dismiss (or alternatively, for referral of the matter to the FCC) scheduled for September or October of 2015, and no assurance of a prompt ruling on the motion this year. With IXC withholdings continuing month after month, time is of the essence.

¹ Petition for Waiver of Bright House Networks LLC, the CenturyLink LECs, Consolidated Communications Inc., Cox Communications, Inc., FairPoint Communications, Inc., Frontier Communications Corporation, LICT Corporation, Time Warner Cable Inc., Windstream Corporation, the Iowa RLEC Group, and the Missouri RLEC Group, WC Docket No. 14-228 (filed Nov. 10, 2014).

Ms. Marlene H. Dortch

June 1, 2015

Page 2

The record in the proceeding is complete and overwhelmingly supports grant of the LEC Coalition Petition. The Commission's quick action to terminate the dispute is imperative to mitigate escalating litigation costs and industrywide operational and financial uncertainty. To the extent the FCC determines to reverse course on the standard industry practice in place for nearly 20 years by concluding that IXCs should be exempt from tariffed access charges where they voluntarily route such traffic via LECs' switched access services, such determination should apply only on a prospective basis. Retroactive application of the opposing IXC position would be contrary to law, manifestly unjust, and inconsistent with the public interest.

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,



Micah M. Caldwell

Vice President, Regulatory Affairs

cc: Daniel Alvarez
Matt Diaz
Deena Shetler
Pam Arluk
Victoria Goldberg
Robin Cohn
Rhonda Lien
Doug Slotten