



Federal Communications Commission  
Washington, D.C. 20554

July 8, 2011

Ross A. Buntrock  
Arent Fox LLP  
1050 Connecticut Avenue N.W.  
Washington, D.C. 20036

Re: Ex parte presentation re *All American Telephone Co. v. AT&T Corp.*

Dear Mr. Buntrock:

This is a further response to the ex parte notice filed by Northern Valley Communications, LLC (Northern Valley) on February 1, 2011 in WC Docket No. 07-135. The notice indicated that in the course of presentations concerning the rulemaking, Northern Valley addressed the merits of the Commission's decision in a restricted complaint proceeding, *All American Telephone Co. v. AT&T Corp.*, 26 FCC Rcd 723 (2011) without giving the parties to the complaint proceeding an opportunity to be present.<sup>1</sup> We have reviewed the declaration of Ross Buntrock, who represented Northern Valley at the ex parte meetings.<sup>2</sup> We also conferred with Commission staff who participated in the meetings. We conclude that while the presentation constituted a prohibited ex parte presentation regarding a restricted proceeding, the violation does not call for any sanction beyond admonishing Northern Valley to be attentive to the ex parte rules in the future.

We recognize that the intent of Northern Valley's presentation may have been to urge the Commission to take action on the subject of intercarrier compensation in the context of rulemaking. Nonetheless, both Northern Valley's ex parte summary and the declaration indicate that Northern Valley's ex parte presentation discussed how, in its view, the *All American* decision "conflicts with existing precedent."<sup>3</sup> We find that Northern Valley should have been

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<sup>1</sup> We previously sought comment on this matter. See Letter from Joel Kaufman, Associate General Counsel to Ross A. Buntrock (Mar. 2, 2011).

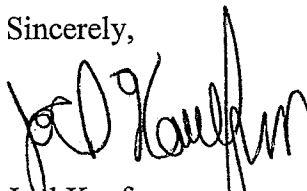
<sup>2</sup> See Letter from Ross A. Buntrock to Joel Kaufman, Esq., Associate General Counsel (Mar. 10, 2011).

<sup>3</sup> Because we find this circumstance dispositive, we do not reach the contentions set forth in the declaration regarding the ex parte status of the *All American* proceeding.

more sensitive to the ex parte rights of the parties to the *All American* proceeding, but we see no intent by Northern Valley to cause actual prejudice to these parties and find that none occurred. We note that AT&T Corp., the party whose interests are adverse to Northern Valley's, does not complain of prejudice and that Commission personnel participating in the meetings expressed no concern that there has been prejudice. Moreover, the fact that Northern Valley included a detailed discussion of its views on the *All American* proceeding in its publicly-filed ex parte summary suggest that it did not intend to prejudice the rights of the parties to the *All American* matter.

We will therefore take no further action in this matter.<sup>4</sup>

Sincerely,



Joel Kaufman  
Associate General Counsel and  
Chief, Administrative Law Division  
Office of General Counsel

cc:

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<sup>4</sup> All American Telephone Co., Inc. and other parties to the restricted complaint proceeding have asked that Northern Valley's presentation be placed in the record of that proceeding. See Letter from J. Isaac Himowitz to Ms. Marlene Dortch, Secretary (Mar. 21, 2011). We refer this request to the Enforcement Bureau.