



Federal Communications Commission  
Washington, D.C. 20554

July 8, 2011

Tamar E. Finn  
Bingham McCutcheon LLP  
2020 K Street, N.W.  
Washington, D.C. 20006

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

Dear Ms. Finn:

This is a further response to the ex parte notice you filed on January 27, 2011 in WC Docket No. 07-135. The notice indicated that in the course of presentations concerning the rulemaking, representatives of PAETEC Holding Corp. (PAETEC), and Pac-West Telecomm, Inc. (Pac-West) 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 PAETEC's Vice President, William A. Haas, who participated in the ex parte meetings.<sup>2</sup> We also conferred with Commission staff who attended the meetings. We conclude that while, close to the line, the presentation did not constitute a prohibited ex parte presentation regarding a restricted proceeding.

We find credible Mr. Haas's assertion that the thrust of PAETEC's and Pac-West's presentation was to urge the Commission to take action on the subject of intercarrier compensation in the context of rulemaking and not to urge the Commission take any action in the *All American* matter, to which they are not parties.<sup>3</sup> We note that AT&T Corp., the party whose

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

<sup>2</sup> See Letter from Tamar E. Finn to Joel Kaufman, Esq., Associate General Counsel (Mar. 10, 2011), Enclosure A.

<sup>3</sup> We note that we might have come to a different conclusion about PAETEC's and PacWest's intent had they been parties to the *All American* matter or if they had engaged in a detailed description of the perceived flaws in the *All American* decision.

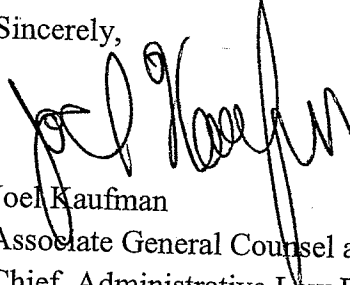
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interests are adverse to PAETEC and Pac-West, does not complain of prejudice and that Commission personnel participating in the meetings expressed no concern that prejudice occurred.

We will therefore take no further action in this matter.

Sincerely,



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

cc:

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