

Wisconsin State Telecommunications Association, Inc.

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March 15, 2005

Sent Via Facsimile

Honorable Herb Kohl
United States Senate
330 Hart Senate Office Building
Washington, DC 20510

Honorable Russell D. Feingold
United States Senate
506 Hart Senate Office Building
Washington, DC 20510

Re: Level 3 Communications, LLC Petition for Forbearance

Dear Senators Kohl and Feingold:

On December 23, 2003, Level 3 Communications, Inc. filed a Petition for Forbearance ("Petition") with the Federal Communications Commission ("FCC"). The Petition asks the FCC to forbear from applying access charges to Voice over Internet Protocol ("VoIP") traffic that terminates on the Public Switched Telephone Network ("PSTN"). On behalf of the members of the Wisconsin State Telecommunications Association ("WSTA") listed in Attachment A, I request that you take any action necessary to defeat Level 3 Communications' Petition.

Founded in 1910, WSTA is a non-profit trade organization representing the interests of telecommunications providers throughout the state of Wisconsin. WSTA counts 83 local exchange telephone carriers among its membership. These local carriers include publicly traded, privately held, and cooperative members. Thirty-one Internet Service Providers and ten wireless carriers are also included in WSTA's membership. These companies provide excellent and affordable service in every corner of our state. In order to remain competitive in the market for telecommunications services, WSTA members require regulators and policymakers to encourage and sustain a fair and unbiased telecommunications marketplace.

Level 3's Petition threatens the basic requirement of a level playing field. The Petition essentially requests the following situation: when a long-distance call is completed over the PSTN, reciprocal compensation rates would apply to VoIP traffic, while competitors would continue to be subject to access charges. As you may be aware, reciprocal compensation rates are significantly lower than access rates, meaning that a successful Petition would result in VoIP providers gaining a significant competitive advantage in a highly-competitive market.

WSTA members recognize that VoIP and other technologies hold great promise for the future of our industry. However, any benefits of the technologies should not be distorted by encouraging a regulatory scheme that provides lop-sided benefits to one technology over another. The 1996 Telecommunications Act encourages competition to allow customers to be the ultimate decision-makers as to which providers and which technologies will succeed in the marketplace. Artificial regulatory advantages, like those sought by Level 3 Communications, threaten the competitive marketplace and will jeopardize the viability of many local telephone companies – particularly those serving rural areas.

The issues identified in this letter only highlight the concerns that WSTA members have with Level 3's Petition. For a more comprehensive discussion of the issues at stake, I encourage you to review the Comments WSTA submitted (along with a coalition of other state associations) in FCC Docket Number WB 03-266. Our Comments can be accessed through the FCC Electronic Comment Filing System by using the following web address:

http://gulfoss2.fcc.gov/prd/ecfs/retrieve.cgi?native_or_pdf=pdf?id_document=6515784011

On behalf of the WSA members listed in Attachment A, I respectfully request that you take action to defeat Level 3 Communications' Petition currently pending before the FCC. If you have any questions, please feel free to contact me at (608) 833-8866, ext. 23 or by email at brybarik@wsta.info.

Sincerely,

Brian J. Rybarik

Brian J. Rybarik
Legal Counsel and Manager of
Regulatory Affairs

Attachment