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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 13, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW Room 222
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 97-231; CC Docket No. 97-121; CC Docket No. 97-208; CC Docket No. 97-137

Dear Ms. Salas:

On Monday, April 13, 1998, Mary Brown, Senior Policy Counsel, Keith Seat, Senior Counsel, and the undersigned met with Kevin Martin of Commissioner Harold Furchtgott-Roth's office.

The purpose of the meeting was to discuss MCI's initial assessment of BA-North's 271 Pre-Filing that was filed at the New York Public Service Commission on April 6, 1998. The attached document outlines the topics discussed. I would note that MCI did not address in this meeting the merits of any cases pending before the FCC.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(2) of the Commission's rules.

Sincerely,

Susan Jin Davis

Attachment

cc: Kevin Martin

NY Roadmap -- Initial Assessment

MCI

April 1998

NY Roadmap will not fully open local markets

- Limits platform; key pricing issues unresolved; provides inadequate standards and remedies
- In many respects, worse than MCI-Bell Atlantic NY contract
- FCC needs to exercise its BA/Nynex merger jurisdiction, 271 authority

NY Roadmap -- Summary

- Platform limited to 4-6 years; no availability for business in key NYC end offices where there are 2 or more collocation cages
- Key pricing issues remain open in other dockets -- no deaveraging of loop
- No requirement of carrier-to-carrier testing of OSS; use of 3rd party "pseudo" testing
- Many deadlines, but lacks specific enforcement mechanisms for commitments
- Weak performance standards; weak remedies
- Lots of ambiguity

NY Roadmap -- Initial assessment

- Facilities-based entry remains the best entry vehicle
- If BA fully implements, new OSS will assist MCI in serving business customers
- Absence of ability to buy combinations of elements (without "glue" charges) after 4-6 years raises substantial questions about mass markets entry for residential

NY Roadmap -- Commitments

- Account Servicing: Various deadlines throughout April and May to improve responsiveness to CLECs
- Interconnection, Collocation and UNEs
  - July 1: provision virtual collocation within the prescribed 105 day time interval
  - August 31: general service offering of two-way trunks, to both end offices and tandems, on a measured-use basis
- OSS: RFP (3rd party process) milestones
- Post-271 grant performance
  - July 31: Data and methodology evaluation.

FCC: Merger authority and pending complaints

- BA refuses to allow MCI to commingle its local service (through UNEs) and its access service
- BA failed to establish performance standards, measurements, and enforcement mechanisms in compliance with its merger conditions
- BA failed to meet its obligation under the Act to provide nondiscriminatory access to the directory assistance database used by BA to provide reverse directory assistance
- BA failed to provide TELRIC pricing (BA South)
- Other potential complaints are under evaluation

FCC: Collaborative process

- Continued development of legal standards helpful
- Critical need for performance standards and adequate remedies
- Collaborative process is only one activity of several that require FCC attention
  - BA complaints
  - LCI petition for OSS
  - Access reform