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July 30, 1999

HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
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Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation
CC Docket Nos. 96-61, 98-10, 98-147 and 98-183

Dear Ms. Salas:

In accordance with Section 1.12 of the Commission's Rules, the Commercial Internet eXchange Association ("CIX") hereby submits the following ex parte notification regarding its July 29th meeting with staff at the Federal Communications Commission ("Commission"). Attending the meeting for CIX were Barbara Dooley, President of CIX, John Montjoy Chairman of the Board of CIX, Doug Mauer and Kitty Sachs of the Virginia Internet Service Provider Association, Gene Crick of the Texas Internet Service Provider Association, Sue Ashdown of the Utah Internet Service Providers Association, as well as Tashir Lee and Stuart Ingis of Piper & Marbury, LLP. Commission staff members in attendance included the following: Robert Pepper, Stagg Newman, Dale Hatfield, Robert Cannon, Robert Kimball, Paul Marragoni of the Office of Engineering and Technology, Tonya Rutherford of the Common Carrier Bureau, and Johnson Garrett, Jason Oxman and Marcelino Ford-Livene of the Office of Plans and Policy.

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In the meeting, CIX reiterated and discussed arguments on issues already reflected in its filings in the following proceedings:

- 1) *In the Matter of Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended*, CC Docket No. 96-61; *1998 Biennial Regulatory Review - Review of Customer Premises Equipment and Enhanced Services Unbundling Rules In the Interexchange, Exchange Access and Local Exchange Markets*, CC Docket No. 98-183;
- 2) *In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Further Notice of Proposed Rulemaking, CC Docket No. 98-147, FCC 99-48 (rel. March 31, 1999); and
- 3) *In the Matter of Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services*, CC Docket No. 95-20; *In the Matter of 1998 Biennial Review - Review of Computer III ONA Safeguards and Requirements*, CC Docket No. 98-10, FCC 99-36 (rel. Mar. 24, 1999).

In addition to the matters noted above, CIX also expressed to the Commission its concern that the SBC/Ameritech merger proceeding not be used as a means for SBC/Ameritech to avoid existing obligations under the Commission's rules as they effect Internet service providers.¹ Moreover, CIX urged the Commission not make any rulings in the SBC/Ameritech Merger Proceeding that would unfairly establish precedent in the proceedings currently before the Commission. Particularly, those proposed merger conditions that would allow any separate advanced services affiliate and any SBC/Ameritech incumbent LEC to joint market their services with the services of the other without being subject to a nondiscrimination requirement.

¹ *Conditions Proposed by SBC Communications Inc. and Ameritech Corporation for Their Pending Application to Transfer Control*, CC Docket No. 98-141(rel. July 1, 1999) ("Ameritech/SBC Merger Proceeding")

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Attached, please find five copies of this letter for inclusion in the above-referenced dockets. Should you have any questions, please contact the undersigned.

Sincerely,



Tashir J Lee
Stuart P. Ingis
Counsel for the Commercial Internet
eXchange Association

SPI/pmh
Enclosures

cc: Robert Pepper, Office of Engineering and Technology
Stagg Newman, Office of Engineering and Technology
Dale Hatfield, Office of Engineering and Technology
Robert Cannon, Office of Engineering and Technology
Tonya Rutherford, Common Carrier Bureau
Robert Kimball, Office of Engineering and Technology
Paul Marragoni, Office of Engineering and Technology
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