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September 9, 1999

VIA HAND DELIVERY

Magalie Roman Salas, Secretary  
 Federal Communications Commission  
 The Portals  
 445 Twelfth Street, S.W.  
 Washington, D.C. 20554

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SEP 09 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Level 3 Communications, LLC Ex Parte in CC Docket No. 96-98 (Local Competition)

Dear Ms. Salas:

Pursuant to Sections 1.1206(a) of the Commission's Rules, 47 C.F.R. § 1.1206(a), this letter is to provide notice of an *ex parte* presentation by Level 3 Communications, LLC ("Level 3") in the above-referenced proceeding on Wednesday, September 8, 1999. The attached handout summarizing Level 3's UNE remand priorities was provided to Linda Kinney, Legal Advisor to Commissioner Ness.

Thank you for your attention to this correspondence. Pursuant to the Commission's rules, an original and one (1) copy of this letter is provided. A copy is also being hand-delivered to Linda Kinney. Please date-stamp and return the additional copy of this letter for our records.

Sincerely,



Patrick J. Donovan

Counsel for  
 Level 3 Communications, LLC

Enclosures

cc: Linda Kinney  
 Patricia Paoletta

## **Level 3 Communications**

### **UNE Remand Priorities**

- ◆ The Commission should establish a national minimum list of UNEs
  - ◆ Loops (including conditioned loops with TELRIC conditioning charges)
  - ◆ Extended loops
  - ◆ Sub-loop elements
  - ◆ SS7 Signaling and other database and signaling systems
  - ◆ Operations Support Systems
  - ◆ Inside wiring
  - ◆ Network interface device
  - ◆ New transport options (e.g., SONET priced at TELRIC)
  - ◆ DSLAMs
  
- ◆ The Commission has broad discretion to identify UNEs
  - ◆ The “necessary” test only applies to proprietary UNEs; the “impair” test applies to all UNEs
  - ◆ The Commission should consider timeliness, cost, quality, and ubiquity when evaluating alternatives to ILEC UNEs under the “impair” test
  - ◆ The Commission can and should consider competitive neutrality in the “impair” test
  - ◆ Few, if any, UNEs qualify as proprietary
  - ◆ The essential facilities doctrine does not apply
  - ◆ The Commission can and should balance other factors against the “necessary” and “impair” requirements, including the Congressional goal of deploying advanced services to all Americans
  
- ◆ States should be permitted to supplement, but not subtract from, the national minimum list
  
- ◆ The Commission should periodically review the national minimum list