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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

RECEIVED
SEP 09 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Dear Ms. Salas:

Pursuant to Sections 1.1206(a) and (b) of the Commission's Rules, 47 C.F.R. § 1.1206(a) and (b), this letter is to provide notice of an oral *ex parte* presentation by Level 3 Communications, LLC ("Level 3") in the above-referenced proceeding on Wednesday, September 8, 1999. Patricia Paoletta, Vice President, Government Affairs, and Patrick Donovan and Tamar Finn of Swidler Berlin Shereff Friedman, LLP met with Dorothy Attwood, Legal Advisor to Chairman Kennard. The purpose of the meeting was to discuss Level 3's UNE remand priorities, as outlined in the attached handout.

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 Dorothy Attwood. Please date-stamp and return the additional copy of this letter for our records.

Sincerely,

Tamar E. Finn

Tamar E. Finn

Counsel for
Level 3 Communications, LLC

Enclosures

cc: Dorothy Attwood
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