

ORIGINAL

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

James J. Valentino
Direct dial 202 434 7363
jvalentino@mintz.com

202 434 7300
202 434 7400 fax

EX PARTE OR LATE FILED

November 4, 1999

By Hand

Magalie Roman Salas
Secretary
Federal Communications Commission
Room CY-A257
455 Twelfth Street, SW
Washington, D.C. 20554

RECEIVED

NOV - 4 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *Ex Parte* Presentation
*In the Matter of Deployment of Wireline Services
Offering Advanced Telecommunications Capability
CC Docket No. 98-147*

Dear Ms. Salas:

On Wednesday, November 3, 1999, representatives of NEXTLINK Communications, Inc. ("NEXTLINK") and CoreComm Limited ("CoreComm") participated in meetings concerning the above-referenced docket. Cathleen Massey of NEXTLINK, Christopher Holt of CoreComm, and their counsel, Jim Casserly and Jim Valentino of Mintz Levin, met with Rebecca Beynon, Legal Advisor to Commissioner Furchtgott-Roth, Kyle Dixon, Legal Advisor to Commissioner Powell, Dorothy Attwood, Legal Advisor to Chairman Kennard, and Sarah Whitesell, Legal Advisor to Commissioner Tristani. Also, Gerry Salemme of NEXTLINK and Christopher Holt of CoreComm, accompanied by Jim Casserly, participated in a group discussion with Commissioner Susan Ness, Larry Strickling, Chief, Common Carrier Bureau, Linda Kinney, Legal Advisor to Commissioner Ness, and David Fligor, an intern in the office of Commissioner Ness. Representatives of NorthPoint Communications, Inc. and Tandy Corporation were also present.

The views presented by the NEXTLINK representatives are reflected in the comments and reply comments, filed June 15, 1999, and July 22, 1999, respectively. The views presented by the CoreComm representative are reflected in the attached summary.

Boston Washington Reston

No. of Copies rec'd 0+2
List ABCDE

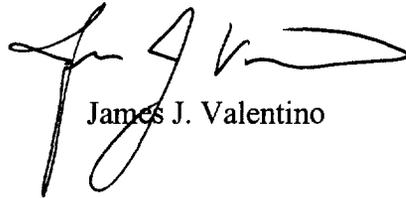
Magalie Roman Salas

November 4, 1999

Page 2

Pursuant to section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), two copies of this Notice are being provided to you for inclusion in the public record in the above-captioned proceeding. Please contact Jim Casserly (434-8749) or me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Valentino', with a long horizontal flourish extending to the right.

James J. Valentino

Enclosure

cc (w/ encl.): Commissioner Susan Ness
Larry Strickling
Dorothy Attwood
Rebecca Beynon
Kyle Dixon
Linda Kinney
Sarah Whitesell
David Fligor
Gerry Salemme
Cathleen Massey
Christopher Holt

DCDOCS:160378.1(3FQY01!.DOC)

CORECOMM VIEWS ON LINE SHARING UNE PROPOSAL

A LINE SHARING UNE IS THE WRONG SOLUTION TO A GENUINE PROBLEM.

The FCC is *right* to try to facilitate competition in advanced services. The Telecommunications Act is intended to promote competition, investment, and innovation in advanced services as well as POTS.

The proponents of line sharing are *right* that many of the ILECs' current practices unnecessarily impede competitive DSL deployment:

- ◆ sharing high-frequency capacity use with their own DSL operations, but not with nonaffiliates, at a cost of zero.
- ◆ overstating spectrum management problems, and hindering the development of solutions.
- ◆ failing to provide loop qualification information.
- ◆ failing to provide conditioned loops on a reasonable and nondiscriminatory basis.
- ◆ failing to accommodate collocation requests on a reasonable and nondiscriminatory basis.

BUT, it would be *wrong* to require ILECs to offer line sharing as an unbundled network element.

THE LINE SHARING UNE PROPOSAL RESTS ON FAULTY FOUNDATIONS.

Line sharing UNE proponents (like Northpoint) have presented an abundance of sympathetic facts and apparent logic, but their fundamental premise is wrong.

- ◆ It is just *not true* that CLECs cannot offer DSL without a line sharing UNE.
- ◆ It is the *voluntary* business decision of a DSL-only CLEC whether to offer voice services, and those who choose not to also have the option of partnering with other carriers that do.

A line sharing UNE does not appear to meet the standards of Section 251(c)(3) and 251(d)(2).

- ◆ The Commission's NPRM was devoid of any legal analysis to support treating frequency-divided loops as a UNE, and the record that has developed does not strengthen the legal case.
- ◆ A line sharing UNE appears to be inconsistent with the recent UNE Remand Decision (not yet available), where the Commission declined, except in limited circumstances, to require ILECs to unbundle the facilities used to provide high-speed Internet access and other data services, specifically, packet switches and DSLAMs.

A line sharing UNE may negatively impact the ability of facilities-based CLECs to provide local telephony services in competition with ILECs by reducing the willingness of consumers to choose a full-service CLEC.

The burdens associated with resolving complex operational and technical issues significantly outweigh any short-term benefits that may be gained by implementing a line sharing UNE regime, and will unnecessarily complicate the still-nascent rollout of residential competition.

- ◆ In addition to the technical and operational issues already set forth in the record, a line sharing UNE raises other technical and operational complexities that will result if both the "voice" and "advanced services" spectrum frequencies are unbundled to CLECs, so that the incumbent LEC technically still controls the loop but none of the spectrum. The subsequent transfer of customers from one line-sharing CLEC to another poses further questions.