

ORIGINAL



Amy L. Alvarez
Regulatory Assistant
Law & Government Affairs

Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2315
FAX 202 457-2545

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NOV 23 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

November 23, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

RE: Errata, ex parte notices: In the Matter of Access Charge Reform, CC Docket No. 96-262; MCI Telecommunications Corp. Emergency Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

In July, AT&T filed a number of ex parte notices in the captioned proceedings that erroneously identified the docket number for CC Docket No. 96-262 as CC Docket No. 99-262. We understand that the submissions have been entered in the correct proceedings. Nonetheless, I have attached the miscaptioned filings to this letter to formally correct the record.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Amy L. Alvarez".

cc: Patricia A. Rawlings

No. of Copies rec'd 04
List ABCDE



Leonard J. Cali
Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 29, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

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JUL 29 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Notice of Ex Parte Meeting: In the Matter of Access Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, I spoke with Linda Kinney, Legal Advisor to Commissioner Susan Ness, concerning the referenced proceedings. We discussed AT&T's view that collocation is not a measure of competition for special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Attachment

cc: Linda Kinney

Alternative to Collocation Measure

- **One of the potential measures of competition for special access channel terminations between local serving offices (“LSOs”) and customer premises could be defined, for a given geography, based on the amount of revenue represented by alternative (non-ILEC) facilities versus the amount of revenue represented by ILEC facilities.**
- **The revenue measure would be based solely on facilities between LSOs and customer premises within the given geographic area (i.e., revenue represented by special access channel terminations).**
- **The revenue measure would include revenues generated in the provision of special access channel terminations as well as an appropriate revenue surrogate for self-provisioned channel terminations.**
- **The revenue measure would be stated, and regulatory flexibility where appropriate granted, separately for (i) T1 and below facilities, and (ii) those facilities greater than T1.**
- **Data used to support the revenue measure would be developed by and drawn from the industry as necessary, subject to appropriate certification or verification procedures, and submitted to the Commission or a neutral third party under appropriate confidentiality protections.**
- **This measure affords one example of a more reliable way to assess the level of facilities-based competition for special access channel terminations. Alternative measures might also exist.**
- **The Commission should consider this and other appropriate measures to assess competition for special access terminations, and the least intrusive means for reliably obtaining such information.**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Leonard J. Cali
Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
1120 20th St. NW
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July 29, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
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RE: Notice of Ex Parte Meeting: In the Matter of Access Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, I spoke with Kyle D. Dixon, Legal Advisor to Commissioner Michael K. Powell, concerning the referenced proceedings. We discussed AT&T's view that collocation is not a measure of competition for special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

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Sincerely,

Attachment

cc: Kyle D. Dixon



Recycled Paper

Alternative to Collocation Measure

- One of the potential measures of competition for special access channel terminations between local serving offices (“LSOs”) and customer premises could be defined, for a given geography, based on the amount of revenue represented by alternative (non-ILEC) facilities versus the amount of revenue represented by ILEC facilities.
- The revenue measure would be based solely on facilities between LSOs and customer premises within the given geographic area (i.e., revenue represented by special access channel terminations).
- The revenue measure would include revenues generated in the provision of special access channel terminations as well as an appropriate revenue surrogate for self-provisioned channel terminations.
- The revenue measure would be stated, and regulatory flexibility where appropriate granted, separately for (i) T1 and below facilities, and (ii) those facilities greater than T1.
- Data used to support the revenue measure would be developed by and drawn from the industry as necessary, subject to appropriate certification or verification procedures, and submitted to the Commission or a neutral third party under appropriate confidentiality protections.
- This measure affords one example of a more reliable way to assess the level of facilities-based competition for special access channel terminations. Alternative measures might also exist.
- The Commission should consider this and other appropriate measures to assess competition for special access terminations, and the least intrusive means for reliably obtaining such information.



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Ms. Magalie Roman Salas
Secretary
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RE: Notice of Ex Parte Meeting: In the Matter of Access Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Joel Lubin and I, both of AT&T, spoke with Lawrence E. Strickling, Chief of the Common Carrier Bureau, concerning the referenced proceedings. Specifically, the AT&T representatives described one of the potential alternatives to collocation as a measure of competition for special access channel terminations between local serving offices and customer premises. That alternative is set forth in the attachment to this letter. I am authorized to represent that MCI WorldCom concurs in the view that this measure affords a far more reliable way to assess the level competition for special access channel terminations.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Attachment

cc: Lawrence E. Strickling

Alternative to Collocation Measure

- One of the potential measures of competition for special access channel terminations between local serving offices (“LSOs”) and customer premises could be defined, for a given geography, based on the amount of revenue represented by alternative (non-ILEC) facilities versus the amount of revenue represented by ILEC facilities.
- The revenue measure would be based solely on facilities between LSOs and customer premises within the given geographic area (i.e., revenue represented by special access channel terminations).
- The revenue measure would include revenues generated in the provision of special access channel terminations as well as an appropriate revenue surrogate for self-provisioned channel terminations.
- The revenue measure would be stated, and regulatory flexibility where appropriate granted, separately for (i) T1 and below facilities, and (ii) those facilities greater than T1.
- Data used to support the revenue measure would be developed by and drawn from the industry as necessary, subject to appropriate certification or verification procedures, and submitted to the Commission or a neutral third party under appropriate confidentiality protections.
- This measure affords one example of a more reliable way to assess the level of facilities-based competition for special access channel terminations. Alternative measures might also exist.
- The Commission should consider this and other appropriate measures to assess competition for special access terminations, and the least intrusive means for reliably obtaining such information.



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Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
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Washington, DC 20036
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JUL 27 1999

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July 27, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

RE: Notice of Ex Parte Meeting: In the Matter of Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Joel Lubin and I, of AT&T, met with Commissioner Michael K. Powell and Kyle D. Dixon, Legal Advisor to Commissioner Powell, concerning the referenced proceedings. We reviewed the attached materials during the meeting, and discussed AT&T's view that collocation is not a measure of competition for interoffice facilities or special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Attachment

cc: Commissioner Michael K. Powell
Kyle D. Dixon

Special access is not substantially competitive, and there remain persistent, substantial barriers to competition

- **limits to alternative facility scope and capacity**
- **ILEC operational limitations**
- **termination liabilities**
- **anticompetitive practices**

Pricing flexibility is inappropriate absent substantial competition

Collocation does not measure competition or the potential for competition for:

- **interoffice transport; or**
- **special access terminations**

Appropriate measures are units of competitive facilities

- **the competition test should be both bright line and accurate; collocation may be “bright” but is highly inaccurate**
 - **accurate measures of competitive facilities for POP to LSO are needed**
 - **accurate measures of competitive facilities for LSO to premises are needed**
-

Safeguards should include:

- **nondiscriminatory availability with freedom from termination liabilities**
- **advance notice of contract offerings**
- **no headroom**
- **no lower formula adjustment**
- **affiliate protections**
- **proven record of performance with respect to UNEs, collocation, and other market-opening requirements**



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Leonard J. Cali
Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 27, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

RE: Notice of Ex Parte Meeting: In the Matter of Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Joel Lubin and I, of AT&T, met with William Bailey, Legal Advisor to Commissioner Harold Furchtgott-Roth, concerning the referenced proceedings. We reviewed the attached materials during the meeting, and discussed AT&T's view that collocation is not a measure of competition for interoffice facilities or special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

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Sincerely,

Attachment
cc: William Bailey

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- **limits to alternative facility scope and capacity**
- **ILEC operational limitations**
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Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
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Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 27, 1999

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FEDERAL COMMUNICATIONS COMMISSION
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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

RE: Notice of Ex Parte Meeting: In the Matter of Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Joel Lubin and I, of AT&T, met with Commissioner Gloria Tristani and Sarah Whitesell, Legal Advisor to Commissioner Tristani, concerning the referenced proceedings. We reviewed the attached materials during the meeting, and discussed AT&T's view that collocation is not a measure of competition for interoffice facilities or special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

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Sincerely,

Attachment

cc: Commissioner Gloria Tristani
Sarah Whitesell



Recycled Paper

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- **proven record of performance with respect to UNEs, collocation, and other market-opening requirements**



Leonard J. Cali
Vice President & Director
Federal Regulatory Affairs
AT&T Federal Government Affairs

Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 22, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

22 1999

RE: Notice of Ex Parte Meeting: In the Matter of Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Gail G. Schwartz, Joel Lubin, and I, all of AT&T, met with Howard Shelanski, FCC Chief Economist, and Patrick DeGraba, Deputy Chief Economist, concerning the referenced proceedings. Our conversation followed the attached outline. Specifically, we discussed AT&T's view that collocation is not a measure of competition for interoffice trunks or special access terminations, and that the Commission and the industry should identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's position as reflected in AT&T's written submissions in this proceeding.

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Sincerely,

Attachment

cc: H. Shelanski
P. DeGraba

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Federal Regulatory Affairs
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Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 22, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

JUL 22 1999

RE: Notice of Ex Parte Meeting: In the Matter of Charge Reform, CC Docket No. 99-262; MCI Telecommunications Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday, Gail G. Schwartz, Joel Lubin and I, all of AT&T, met with Kathryn Brown, FCC Chief of Staff, Yog Varma, Common Carrier Deputy Bureau Chief, Donald Stockdale, Common Carrier Associate Bureau Chief, and Richard Lerner, Competitive Pricing Division Deputy Chief, concerning the referenced proceedings. We reviewed the attached materials during the meeting, and discussed AT&T's view that collocation is not a measure of competition for interoffice facilities or special access terminations, and that the Commission and the industry should instead identify flexibility "triggers" superior to collocation as well as the data sources needed to support those triggers. We otherwise reviewed AT&T's positions as reflected in AT&T's written submissions in this proceeding.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Cali".

Attachment

cc: K. Brown, Y. Varma, D. Stockdale, R. Lerner

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Suite 1000
1120 20th St. NW
Washington, DC 20036
202 457-2120
FAX 202 457-2545

July 15, 1999

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JUL 15 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW Room TWB-204
Washington, DC 20554

RE: Notice of Ex Parte Meeting: In the Matter of Access Charge Reform, CC Docket No. 99-262; MCI Telecommunication Corp. Emergency Plan for Petition for Prescription, CC Docket No. 97-250, and Consumer Federation of America Petition for Rulemaking, RM-9210.

Dear Ms. Salas:

Yesterday I met with Lawrence Strickling, Chief of the Common Carrier Bureau, Carol Matthey, Chief, Policy and Program Planning Division, and Jordan Goldstein, Legal Counsel. During that meeting, we discussed matters related to the referenced proceedings. In particular, I stated that the existence of collocation was an inadequate measure of the level of, or potential for, competition in the supply of interoffice transport and special access terminations. I otherwise made statements reflected in AT&T's written submissions in this proceeding.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

cc: L. Strickling
J. Goldstein
C. Matthey